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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,353	04/29/2004	Frank Radochonski	A4-1730	3352
27127	7590	02/22/2006	EXAMINER	
HARTMAN & HARTMAN, P.C. 552 EAST 700 NORTH VALPARAISO, IN 46383			MAI, TRI M	
			ART UNIT	PAPER NUMBER
			3727	
DATE MAILED: 02/22/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/709,353	<b>Applicant(s)</b> RADOCHONSKI, FRANK	
	<b>Examiner</b> Tri M. Mai	<b>Art Unit</b> 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,6,11 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,7-10,13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>04/29/04</u> .  | 6) <input type="checkbox"/> Other: ____                                     |

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1. Claims 3, 4, 6, 11, and 12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention. Applicant traverses on the ground that claim 1 is the generic claim. It is noted that in section 806.04(d) of the M.P.E.P defines a generic claim as follows:

In an application presenting three species illustrated, for example, in Figures 1, 2, and 3, respectively, a generic claim should read on each of these views; but the fact that a claim does so read is not conclusive that it is generic. It may define only an element or subcombination common to the several species. see MPEP 809.02(c)(2).

In this case, claim 1 contains a subcombination common to the claimed species.

Nevertheless, if a claim encompassing several disclosed species is deemed allowable, rejoinder will be permitted at the end of prosecution assuming there are no issues under 35 USC 112, 2nd paragraph.

This is made FINAL.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the watch being configured for removing from the wallet and securing to a wristband must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

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renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. Claims 2, 10, and 13-14 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification fails to show how the watch being configured for removing from the wallet and securing to a wristband

4. Claims 1, 2, 5, 7, 9, 10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roman (4903745) in view of Ditesheim (1827567). Roman teaches a wallet having first and second exterior covers, a first exterior surface defined by the first exterior cover, an oppositely-facing second exterior surface defined by the second exterior cover, at least one pocket within an interior of the wallet, a money clip attached to the second exterior surface. The clip having a portion roughly parallel to the plane of the second exterior surface and biased in a direction toward the second exterior surface. Roman meets all claimed limitations except for the watch. Ditesheim teaches that it is known in the art to provide a watch on an exterior face of a wallet (col. 1, ln.). It would have been obvious to one of ordinary skill in the art to provide a watch in the first exterior surface in Roman as taught by Ditesheim to enable one to tell time.

Regarding claim 2, note the opposite posts in the watch of Ditesheim.

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5. Claims 8, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Roman rejection in view of O'Neil. It would have been obvious to one of ordinary skill in the art to provide a clip biased against the surface as taught by O'Neil to provide an alternative clip.

6. Claims 1, 2, 5, 7-10, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil (4705086) in view of Ditesheim (1827567). O'Neil teaches a wallet having first and second exterior covers, a first exterior surface defined by the first exterior cover, an oppositely-facing second exterior surface defined by the second exterior cover, at least one pocket within an interior of the wallet, a money clip attached to the second exterior surface. The clip having a portion roughly parallel to the plane of the second exterior surface and biased in a direction toward the second exterior surface. O'Neil meets all claimed limitations except for the watch. Ditesheim teaches that it is known in the art to provide a watch on an exterior face of a wallet (col. 1, ln.). It would have been obvious to one of ordinary skill in the art to provide a watch in either O'Neil as taught by Ditesheim to enable one to tell time.

7. Claims 1, 5, and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil (4705086) in view of Lund et al. Lund teaches that it is known in the art to provide a watch on the exterior of a wallet as shown in Fig. 4. It would have been obvious to one of ordinary skill in the art to provide watch in O'Neil to enable one to tell time.


8. Claims 2, 10, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the O'Neil rejection as set forth above, and further in view of Jacks (5341972). It would have been obvious to one of ordinary skill in the art to provide a watch with lateral post as taught by Jacks to provide an alternative watch.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai   
Primary Examiner  
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